

## UNITED STATES DISTRICT COURT

SouthernDistrict ofNew York

JOHN CERAMI

V.

RETIREMENT AND PENSION PLAN FOR OFFICERS  
AND EMPLOYEES OF THE NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS AND  
RELATED ORGANIZATIONS, ET AL.

## SUMMONS IN A CIVIL ACTION

08 Civ. 00215  
CASE NUMBER: 08 Civ. 00215

TO: (Name and address of Defendant)

LAWRENCE D'ERRICO AS TRUSTEE OF THE RETIREMENT AND  
PENSION PLAN FOR OFFICERS AND EMPLOYEES OF THE NEW  
YORK CITY DISTRICT COUNCIL OF CARPENTERS AND RELATED  
ORGANIZATIONS  
395 HUDSON STREET  
NEW YORK, NY 10014

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

BARBARA MEHLSACK, ESQ.  
GORLICK, KRAVITZ & LISTHAUS, P.C.  
17 STATE STREET, 4TH FLOOR  
NEW YORK, NY 10004

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

JAN 10 2008

CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JOHN CERAMI

Plaintiff(s),

-against-

JUDGE BATTIS  
Index No. 08 CV 00215

AFFIDAVIT OF SERVICE

RETIREMENT AND PENSION PLAN FOR OFFICERS  
AND EMPLOYEES OF THE NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS AND RELATED  
ORGANIZATIONS, ET AL.,  
Defendant(s).

-----X  
STATE OF NEW YORK )  
S.S.  
COUNTY OF NEW YORK)

ROBERT MILLS, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 15<sup>th</sup> day of January 2008, at approximately the time of 1:05 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION AND COMPLAINT** upon Lawrence D'Errico, as Trustee of the Retirement and Pension Plan for Officers and Employees of The New York City District Council of Carpenters and Related Organizations at 395 Hudson Street, 9<sup>th</sup> Floor, New York, NY 10014, by personally delivering and leaving the same with the security officer, Patrick Kennedy, a person of suitable age and discretion at that address, the actual place of business. At the time of service, deponent asked if Lawrence D'Errico is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

Patrick Kennedy is a white male, approximately 45 years of age, stands approximately 5 feet 10 inches tall and weighs approximately 190 pounds with brown hair and blue eyes wearing glasses.

That on the 18<sup>th</sup> day of January 2008, deponent served another copy of the foregoing upon Lawrence D'Errico, as Trustee of the Retirement and Pension Plan for Officers

and Employees of The New York City District Council of Carpenters and Related Organizations at 395 Hudson Street, 9<sup>th</sup> Floor, New York, NY 10014, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York.

Robert mills  
ROBERT MILLS #1004298

Sworn to before me this  
18<sup>th</sup> day of January, 2008

  
NOTARY PUBLIC

JONATHAN T. RIPPS  
Notary Public, State of New York  
NO. 01RI6109718  
Qualified in Rockland County  
Certificate Filed in New York County  
Commission Expires May 17, 2008